# FISCAL NOTE

TO:         Chief Clerk of the Senate
            Chief Clerk of the House

FROM:       James A. Davenport, Executive Director

DATE:       February 26, 1995

SUBJECT:  **SB 1306 - HB 1385**

This bill, if enacted, will establish a voluntary cleanup oversight

and assistance program whereby volunteers who are willing and able to

conduct an investigation and cleanup of an inactive hazardous

substance site may do so with departmental oversight upon entering into

a consent order.  The consent order shall outline:

1.  The plan of action to be taken for the investigation of
    the extent of contamination;

2.  The partial or full remedial investigation and feasibility
    study as agreed upon between commissioner and volunteer;

3.  A plan for the allocation of liability and limitation of
    lien to be affixed to the land which is consistent with the
    allocation and lien provisions as set forth in TCA, Sections 68-
    212-207 and 68-212-209; and

4.  Liability which is allocated to potentially responsible
    parties ("PRP") other than volunteer may be paid from the
    hazardous waste remedial action fund created in TCA,
    Section 68-212-204.  The Commissioner of Environment
    and Conservation is authorized to seek recovery of such
    expenditures from such funds from said PRPs in the full
    amounts of such PRPs' allocated share of liability by any
    legal remedy through the exercise of his powers and duties.

The fiscal impact from enactment of this bill is estimated to be a decrease in state revenue of approximately $260,000. This estimate is based on the assumption that the Department of Environment and Conservation would no longer be able to charge a $5,000 participation fee and to charge for oversight costs.

Enactment of this bill is also estimated to result in an increase in state expenditures of $743,000 to the Department of Environment and Conservation for administration and enforcement.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.


James A. Davenport, Executive Director